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Message Text

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64
ACTION IO-14

INFO OCT-01 AF-10 EUR-25 ISO-00 CIAE-00 DODE-00 PM-07 H-03

INR-10 L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03

SS-20 USIA-15 SR-02 ORM-03 DRC-01 /130 W
---------- 061019
R 092300Z JUL 74
FM USMISSION USUN NY
TO SECSTATE WASHDC 4648
INFO AMEMBASSY KINSHASA
AMEMBASSY LISBON
AMEMBASSY LONDON
AMEMBASSY PRETORIA
AMCONGEN LUANDA
USMISSION GENEVA

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E.O. 11652: N/A
TAGS: PFOR UN AO WA SF PO UK
SUBJ: NAMIBIANS IN ANGOLA

REF: USUN 2325

FOLLOWING IS TEXT OF JULY 5 LETTER FROM UN COMMISSIONER FOR NAMIBIA MACBRIDE, TO PORTUGUESE ACTING PERMREP WHICH ENCLOSES LETTER FROM MACBRIDE TO PORTUGUESE FOREIGN MINISTER SOARES, CONCERNING NAMIBIANS IN ANGOLA:

QTE

DEAR CHARGE D'AFFAIRES,

I SHALL BE MOST GRATEFUL IF YOU COULD ENSURE THE TRANSMISSION OF THE CONTENTS OF THE ENCLOSED LETTER TO HIS EXCELLENCY DOCTOR MARIO SOARES, MINISTER FOR FOREIGN AFFAIRS, BY TELEX TO LISBON AND FORWARD THE ORIGINAL BY YOUR DIPLOMATIC POUCH TO HIS
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EXCELLENCY.

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BY REASON OF THE URGENCY OF THE MATTERS INVOLVED I AM ANXIOUS TO ENSURE THAT THE CONTENTS OF MY LETTER SHOULD REACH HIS EXCELLENCY AS SOON AS POSSIBLE.

I ENCLOSE HEREWITH A COPY OF THE LETTER FOR YOUR INFORMATION.
UNQTE

QTE

DEAR EXCELLENCY,

I HAVE RECEIVED REPORTS TO DAY TO THE EFFECT THAT APPROXIMATELY 120 NAMIBIANS HAVE BEEN ARRESTED IN ANGOLA BY THE PORTUGUESE AUTHORITIES; THAT IS IN ADDITION TO THE FOUR NAMIBIANS ABOUT WHOM I HAD THE HONOUR TO COMMUNICATE TO YOU FROM THE UNITED NATIONS IN NEW YORK ON 21ST JUNE 1974.

I DO NOT KNOW WHETHER THE SOUTH AFRICAN GOVERNMENT, OR ANY OF ITS AGENCIES, HAVE REQUESTED, OR INTEND TO REQUEST, THE EXTRADITION OF ANY OR ALL THE NAMIBIANS WHO HAVE BEEN ARRESTED IN ANGOLA. SHOULD THERE BE SUCH A REQUEST, I WOULD RESPECTFULLY SUBMIT THAT SUCH A REQUEST SHOULD BE REFUSED. UNDER INTERNATIONAL LAW, EXTRADITION IS NEVER GRANTED IN CASES WHERE THE EXTRADITION IS SOUGHT;

(A) IN RESPECT OF A POLITICAL OFFENCE OR OF A MATTER ARISING FROM A POLITICAL SITUATION; OR

(B) IN A JURISDICTION WHEREIN THE PERSON DEPORTED MAY BE DEPRIVED OF THE PROTECTION OF THE MORMS OF THE RULE OF LAW OR SUBJECTED TO INHUMAN OR DEGRADING TREATMENT.

IN VIEW OF THE SITUATION IN NAMIBIA AND OF THE CONDUCT OF THE SOUTH AFRICAN AUTHORITIES AND THEIR LOCAL AGENTS IN NAMIBIA, IT IS CLEAR THAT THE DEPORTATION TO SOUTH AFRICAN CONTROLLED AREAS OF NAMIBIA WOULD VIOLATE THE ABOVE PROVISIONS OF INTERNATIONAL LAW.

IN ADDITION, AS YOU KNOW THE INTERNATIONAL COURT OF JUSTICE, THE LIMITED OFFICIAL USE

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SECURITY COUNCIL AND GENERAL ASSEMBLY OF THE UNITED NATIONS HAVE RULED THAT SOUTH AFRICA IS IN ILLEGAL OCCUPATION OF NAMIBIA. ANY RECOGNITION OF SOUTH AFRICA'S TITLE TO SEEK THE EXTRADITION OF NAMIBIAN CITIZENS WOULD BE A VIOLATION OF THE DECISIONS OF THE UNITED NATIONS.

I WOULD DEEM IT A FAVOUR IF YOU COULD ARRANGE TO LET ME HAVE A FULL LIST OF ALL NAMIBIANS WHO HAVE BEEN ARRESTEDIN ANGOLA

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TOGETHER WITH THE PLACE OF THEIR PRESENT DETENTION. I SHOULD
ALSO BE GRATEFUL IF YOU WOULD ARRANGE TO HAVE THIS INFORMATION
ALSO CONVEYED TO THE UNITED NATIONS HIGH COMMISSIONER FOR
REFUGEES IN GENEVA, TO WHOM I AM TRANSMITTING A COPY OF
THIS LETTER.

I AM WRITING THIS LETTER FROM LONDON WHERE I AM IN TRANSIT TO
LUSAKA, DAR-ES-SALAAM, KINSHASA, CAIRO AND ALGIERS. I WILL
BE BACK AT MY HEADQUARTERS IN NEW YORK ON 31ST JULY 1974.
HOWEVER, ANY REPLY YOU MAY WISH TO TRANSMIT TO ME COULD IN
THE MEANWHILE BE SENT TO MY OFFICE AT THE UNITED NATIONS,
NEW YORK, WHICH WILL BE ABLE TO REACH ME BY TELEX.

SHOULD ANY PROBLEMS ARISE IN RELATION TO NAMIBIANS IN ANGOLA, I
HOPE THAT YOUR AUTHORITIES WILL NOT HESITATE TO CONTACT ME
OR MY REGIONAL REPRESENTATIVE AT LUSAKA. WE ARE CHARGED BY THE UNITED
NATIONS WITH THE RESPONSIBILITY OF ISSUING TRAVEL DOCUMENTS
TO NAMIBIANS WHO TRAVEL ABROAD.

WITH RESPECTFUL AND WARM BEST WISHES. UNQTE.
BENNETT

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